

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JANETTE HURT, *et al.*,

Plaintiffs,

VS.

ELENA MURTAUGH,

Defendant.

Case No. 1:24-cv-00168-MTS

ORDER OF REMAND

On November 15, 2024, this Court issued an Order, Doc. [16], instructing Defendant to file an amended Notice of Removal establishing this Court’s subject matter jurisdiction under 28 U.S.C. § 1332(a)(1). The Court explained that, although Defendant’s original Notice alleged the diversity of Plaintiff’s citizenship at the time of removal, the Notice lacked sufficient allegations regarding Plaintiff’s citizenship at the time when the suit was initiated in state court. Thus, Defendant’s Notice was “defective because it fail[ed] to specify [Plaintiff’s] ‘citizenship when the suit was commenced.’” *Reece v. Bank of N.Y. Mellon*, 760 F.3d 771, 777 (8th Cir. 2014) (quoting *Pheonix Ins. Co. v. Pechner*, 95 U.S. 183, 186 (1877)). “This is not a mere technicality: [the Court has] an independent obligation to ensure the party asking [the Court] to exercise jurisdiction has proved [the Court has] jurisdiction to exercise.” *Id.* (citing *Chavez–Lavagnino v. Motivation Educ. Training, Inc.*, 714 F.3d 1055, 1057 (8th Cir. 2013)).

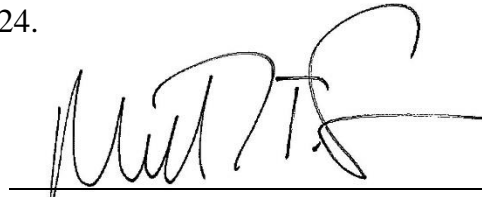
As such, the Court instructed Defendant to file an amended Notice “no later than Monday, November 25, 2024.” Doc. [16]. The Court warned that “failure to do so will result in remand.” *Id.* (citing 28 U.S.C. § 1447(c)) (“If at any time before final judgment it appears

that the district court lacks subject matter jurisdiction, the case shall be remanded.”). Defendant has failed to comply with that deadline.

Accordingly,

IT IS HEREBY ORDERED that this action is **REMANDED** to the Circuit Court of Cape Girardeau County, 32nd Judicial Circuit Court of Missouri. *See* 28 U.S.C. § 1447(c). The Clerk is directed to send a certified copy of this Order of Remand via mail to the Clerk of Cape Girardeau County Circuit Court. *Id.*

Dated this 3rd day of December 2024.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE